

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA (Philadelphia)**

IN RE: Susan M. Poland		CHAPTER 13
	Debtor	
Ditech Financial LLC		
	Movant	
vs.		NO. 16-18045-JKF
Susan M. Poland		
	Debtor	
Frederick L. Reigle		
	Trustee	11 U.S.C. Section 362

**MOTION OF DITECH FINANCIAL LLC
FOR RELIEF FROM THE AUTOMATIC STAY
UNDER SECTION 362**

1. Movant is Ditech Financial LLC.
2. Debtor is the owner(s) of the premises 9242B Jamison Avenue, Philadelphia, PA 19115, hereinafter referred to as the mortgaged premises.
3. Movant is the holder of a mortgage in the original principal amount of \$54,000.00 on the mortgaged premises that was executed on May 22, 1998. Said mortgage was recorded on June 22, 1998 at Book 1316, Page 308. The Mortgage was subsequently assigned to Movant by way of Assignment of Mortgage recorded on June 25, 2013, at Instrument Number 52658343.
4. Documentation provided is in support of right to seek a lift of stay and foreclose if necessary.
5. Frederick L. Reigle, is the Trustee appointed by the Court.
6. The commencement or continuation of mortgage foreclosure proceedings by reason of non-payment of monthly mortgage payments was stayed by Debtor's filing of a Chapter 13 bankruptcy petition.
7. The confirmed Chapter 13 Plan provides that Debtor(s) shall make regular post-petition contractual mortgage payments directly to the Movant, while curing the pre-petition mortgage loan default through the plan.

8. As of November 15, 2017, Debtor has failed to make the post-petition mortgage payments due in the amount of \$524.80 per month for the months of September 2017 through November 2017, minus a suspense balance of \$235.80.

9. As of November 15, 2017, the total amount necessary to cure the post-petition delinquency on the mortgage loan and to reinstate the loan post-petition is **\$1,338.60**.

10. Debtor is currently delinquent in plan payments to the Chapter 13 Trustee in the amount of \$924.00.

11. Movant is entitled to relief from stay for cause.

12. This motion and the averments contained herein do not constitute a waiver by Movant of its right to seek reimbursement of any amounts not included in this motion, including fees and costs, due under the terms of the loan and mortgage, and applicable law.

WHEREFORE, Movant prays that an Order be entered modifying the Stay to permit Movant to proceed with its mortgage foreclosure on the mortgaged premises, and to allow the Sheriff's Grantee to take any legal action to enforce its right to possession of the mortgaged premises. Further, Movant prays that an Order be entered awarding Movant the costs of this suit, including reasonable attorney's fees in accordance with the loan and mortgage terms, and current law, together with interest.

Dated: December 22, 2018

/s/ Matteo S. Weiner, Esquire

Matteo S. Weiner, Esquire
Thomas Puleo, Esquire
KML Law Group, P.C.
701 Market Street, Suite 5000
Philadelphia, PA 19106-1532
Phone: (215) 627-1322 Fax: (215) 627-7734
Attorneys for Movant/Applicant